

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Eileen R. Kleinert, Individually and as Executrix of the Estate of William Kleinert, deceased

(b) County of Residence of First Listed Plaintiff Delaware County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Thomas F. Sacchetta, Esquire, Sacchetta & Baldino 308 East Second Street, Media, PA 19063; Tel No. 610-891-9212

**DEFENDANTS**

Wells Fargo, Wells Fargo Bank, National Association

County of Residence of First Listed Defendant San Francisco, CA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

David R. Bronstein, Esquire, Perez Morris, 1601 Market Street, Suite 2420, Philadelphia, PA 19103; Tel. No. 215-692-1240

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act		
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332

Brief description of cause:

personal injury - premises liability

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

04/27/2022

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title [28 U.S.C. Section 1404\(a\)](#). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title [28 U.S.C. Section 1407](#).  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 3531 Dogwood Drive, Garnet Valley, PA 19060

Address of Defendant: 420 Montgomery Street, San Francisco, CA 94104

Place of Accident, Incident or Transaction: 6918 Ridge Avenue, Philadelphia, PA 19128

**RELATED CASE, IF ANY:**

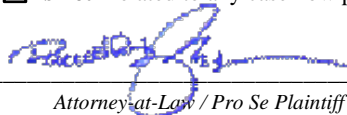
Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 04/27/2022

  
Attorney-at-Law / Pro Se Plaintiff

74908  
Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☐ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☐ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☒ 6. Other Personal Injury (Please specify): Premises Liability  
☐ 7. Products Liability  
☐ 8. Products Liability – Asbestos  
☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_  
Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**EILEEN R. KLEINERT, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF  
WILLIAM KLEINERT, DECEASED  
VS.  
WELLS FARGO AND WELLS FARGO BANK, NATIONAL ASSOCIATION**

LIST OF COUNSEL:

**Plaintiff's Attorney**

Thomas Sacchetta, Esquire  
Sacchetta & Baldino  
308 East Second Street  
Media, PA 19063  
Telephone: 610-891-9212  
Email: [Tom@sbattorney.com](mailto:Tom@sbattorney.com)

**Defendant Wells Fargo, Wells Fargo Bank, National Association**

David R. Bronstein, Esquire (Bar ID. No. 74908)  
Perez Morris Hyde, LLC  
100 North 20<sup>th</sup> Street, Ste 303  
Philadelphia, PA 19103  
Telephone: (215) 692-1240  
Email: [dbronstein@perez-morris.com](mailto:dbronstein@perez-morris.com)



3. There is complete diversity of citizenship in the instant action, because, pursuant to Plaintiff's Complaint, Plaintiff "is an adult individual residing at 3531 Dogwood Drive, Garnet Valley, PA 19060." See Exhibit "A" at ¶ 1.

4. The correct defendant is Wells Fargo Bank, N.A. as opposed to Wells Fargo or Wells Fargo Bank, National Association.

5. Wells Fargo Bank, N.A., a national banking association, is a citizen of South Dakota.<sup>1</sup>

6. "All national banking associations shall, for the purposes of all other actions by or against them, be deemed citizens of the States in which they are respectively located." 28 U.S.C. § 1348.

7. The Supreme Court construed the word "located" in Wachovia Bank v. Schmidt, 546 U.S. 303. In Wachovia, the Supreme Court rejected an approach that would consider a national banking association a citizen of every state in which it maintains a branch. *Id.* at 307. Rather, the Supreme Court concluded that, for purposes of § 1348, "a national bank . . . is a citizen of the State in which its main office, as set forth in its articles of association, is located." *Id.*

8. Defendant, Wells Fargo, presumably meant to be Wells Fargo & Company, although has nothing to do with the branch at issue, is a citizen of Delaware.

9. Counsel for Wells Fargo Bank, N.A. has confirmed that the foregoing is true and correct.

10. In the wherefore clause of her Complaint, Plaintiff demands damages "in an amount

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<sup>1</sup> Inconsistent case law also sometimes finds that Wells Fargo Bank, N.A. may also be considered a citizen of California since this is where its principal place of business is located. However, that would not destroy diversity in this matter.

in excess of Fifty Thousand (\$50,000.00) and in excess of the arbitration limit of this court.” *See* Ex. “A.”

11. Before suit was filed, Plaintiff sent a demand package demanding \$300,000 to resolve this matter. Therefore, it is presumed that the demand in this matter exceeds the jurisdictional limits of \$75,000.

12. This Court is the federal court embracing the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania where the original action was filed. Thus, venue and removal to this Court are proper under 28 U.S.C. §1441(a).

13. Because this action satisfies the requirement of 28 U.S.C. §§1331, this Court has original and supplemental jurisdiction over all claims alleged in the Complaint, and this action may be removed to this Court pursuant to 28 U.S.C. §1441.

14. There is complete diversity of citizenship in the instant action because, pursuant to Plaintiff’s verified Complaint, Plaintiff is a resident of Pennsylvania, and Defendants are residents of South Dakota and Delaware. 28 U.S.C. §1332.

15. Additionally, as set forth in Plaintiff’s demand before suit was filed, the amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00).

16. Because there is complete diversity of citizenship and the amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00), this case is properly removed to this Court.

17. Pursuant to 28 U.S.C. §1446(a), Defendants have attached hereto all process, pleadings, and orders that have been filed, served, or received in this action. A true and correct copy of all process, pleadings and orders are attached hereto collectively as Exhibit “B.”

18. Pursuant to 28 U.S.C. §1446(d), written notice of the removal of this case (a copy of which is attached hereto as Exhibit “C”), together with a copy of this Notice shall be filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania and shall be served upon Plaintiff.

19. By filing of this Notice of Removal, Wells Fargo Bank, N.A. and Wells Fargo & Company does not waive, and hereby reserves, any right to assert objections and defenses relating to service of process and venue.

WHEREFORE, the above-captioned action, now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, March Term, 2022, No. 003125, hereby removes therefrom to this Court.

Respectfully submitted,

Perez & Morris LLC



By \_\_\_\_\_  
David R. Bronstein, Esquire (PA ID: 74908)  
1601 Market Street, Suite 2420  
Philadelphia, PA 19103  
(215) 692-1240  
dbronstein@perez-morris.com  
Attorneys for Defendants,  
Wells Fargo Bank, N.A. and  
Wells Fargo

Dated: 4.27.22



**CERTIFICATE OF SERVICE**

I, David R. Bronstein, Esquire, hereby certify that, on this date, I caused to be served the foregoing Notice of Removal via e-mail and via this Court's Electronic Filing System (ECF) upon the following:

Thomas Sacchetta, Esquire  
Sacchetta & Baldino  
308 East Second Street  
Media, PA 19063  
*Counsel for Plaintiff*



---

David R. Bronstein, Esquire

Dated: 4.27.22

# Exhibit

## “A”

Court of Common Pleas of Philadelphia County  
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

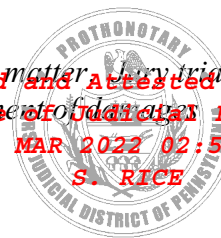
**MARCH 2022****003125**

E-Filing Number: 2203066647

PLAINTIFF'S NAME EILEEN R. KLEINERT		DEFENDANT'S NAME WELLS FARGO	
PLAINTIFF'S ADDRESS 3531 DOGWOOD DRIVE GARNET VALLEY PA 19060		DEFENDANT'S ADDRESS 6918 RIDGE AVENUE PHILADELPHIA PA 19128	
PLAINTIFF'S NAME EILEEN R. KLEINERT		DEFENDANT'S NAME WELLS FARGO BANK, NATIONAL ASSOCIATION	
PLAINTIFF'S ADDRESS 3531 DOGWOOD DRIVE GARNET VALLEY PA 19060		DEFENDANT'S ADDRESS 6918 RIDGE AVENUE PHILADELPHIA PA 19128	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
		<b>FILED PRO PROTHY</b> <b>MAR 30 2022</b> <b>S. RICE</b>	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>EILEEN R KLEINERT , EILEEN R KLEINERT</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY THOMAS F. SACCHETTA		ADDRESS 308 EAST SECOND STREET MEDIA PA 19063	
PHONE NUMBER (610) 891-9212	FAX NUMBER (610) 891-7190		
SUPREME COURT IDENTIFICATION NO. 46834		E-MAIL ADDRESS tom@sbattorney.com	
SIGNATURE OF FILING ATTORNEY OR PARTY THOMAS SACCHETTA		DATE SUBMITTED Wednesday, March 30, 2022, 02:56 pm	

THOMAS F. SACCHETTA, ESQUIRE  
 Attorney I.D. No. 46834  
 SACCHETTA & BALDINO  
 308 East Second Street  
 Media, PA 19063  
 (610) 891-9212

*This is not an arbitration matter. Any trial  
 is demanded. An assessment of judicial records  
 hearing is not required.*



Attorney for plaintiff

EILEEN R. KLEINERT, Individually and :  
 as Executrix of the ESTATE OF WILLIAM :  
 KLEINERT, deceased :  
 3531 Dogwood Drive, :  
 Garnet Valley, PA 19060 :  
 Plaintiff :

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY, PA  
 CIVIL ACTION - LAW

v. :

NO.

WELLS FARGO :  
 6918 Ridge Avenue, :  
 Philadelphia, PA 19128 :  
 and :  
 WELLS FARGO BANK, NATIONAL :  
 ASSOCIATION :  
 6918 Ridge Avenue, :  
 Philadelphia, PA 19128 :  
 Defendants :

### **NOTICE TO DEFEND**

#### **NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, OR CANNOT**

**AFFORD ONE, GO TO OR TELEPHONE  
 THE OFFICE SET FORTH BELOW TO  
 FIND OUT WHERE YOU CAN GET LEGAL  
 HELP.**

Philadelphia County Bar Association  
 Lawyers Referral and Information Service  
 1 Reading Center  
 Philadelphia, PA 19107  
 215-238-6333

### **AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas on las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

Asociacion De Licenciados De Filadelfia  
Servicio De Referencia E Informacion Lega  
One Reading Center  
Filadelfia, Pennsylvania 19107  
Telef.: 215-238-6333

THOMAS F. SACCHETTA, ESQUIRE  
 Attorney I.D. No. 46834  
 SACCHETTA & BALDINO  
 308 East Second Street  
 Media, PA 19063  
 (610) 891-9212

*This is not an arbitration matter. Jury trial is demanded. An assessment of damages hearing is not required.*

Attorney for plaintiff

EILEEN R. KLEINERT, Individually and :  
 as Executrix of the ESTATE OF WILLIAM :  
 KLEINERT, deceased :  
 3531 Dogwood Drive, :  
 Garnet Valley, PA 19060 :  
 Plaintiff :

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY, PA  
 CIVIL ACTION - LAW

v. :

NO.

WELLS FARGO :  
 6918 Ridge Avenue, :  
 Philadelphia, PA 19128 :  
 and :  
 WELLS FARGO BANK, NATIONAL :  
 ASSOCIATION :  
 6918 Ridge Avenue, :  
 Philadelphia, PA 19128 :  
 Defendants :

### **PLAINTIFF'S COMPLAINT**

AND NOW, comes the plaintiff, Eileen R. Kleinert, Individually and as Executrix of the Estate of William Kleinert, by and through her attorney, Thomas F. Sacchetta, Esquire, and avers as follows:

1. Plaintiff, Eileen R. Kleinert, is an adult individual and wife and executrix of/for deceased, William Kleinert (hereinafter decedent), residing at 3531 Dogwood Drive, Garnet Valley, PA 19060.

2. Defendant, Wells Fargo, is, upon information and belief, a corporation, partnership, sole proprietorship, unincorporated association or other legal entity existing under the laws of the State of Delaware, registered to do business in Pennsylvania, with an address

located at 6918 Ridge Avenue, Philadelphia, PA 19128. Defendant, Wells Fargo, regularly conducts business in Philadelphia County.

3. Defendant, Wells Fargo Bank, National Association, is, upon information and belief, a corporation, partnership, sole proprietorship, unincorporated association or other legal entity existing under the laws of the State of Delaware, registered to do business in Pennsylvania, with an address located at 6918 Ridge Avenue, Philadelphia, PA 19128. Defendant, Wells Fargo, regularly conducts business in Philadelphia County.

4. At all times relevant hereto, defendants were in the exclusive possession, management and control of the premises located at or about 2024 Naamans Road, Wilmington, DE 19810.

5. At all times relevant hereto, defendants were responsible for maintenance of the premises located at 2024 Naamans Road, Wilmington, DE 19810

6. At all times relevant hereto, defendants were acting through their agents, servants, workmen, and employees.

7. On or about April 23, 2021, decedent was lawfully on the aforesaid premises when he was caused to fall as a result of a defective condition, i.e., improperly maintained parking lot and handicap parking sign which was defective, improperly maintained and/or inappropriate for its location, causing an unreasonably dangerous condition to exist.

#### **COUNT I - NEGLIGENCE**

**Plaintiff, Eileen R. Kleinert as executrix of the Estate of William Kleinert v. All Defendants**

8. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as though fully set forth at length.

9. The accident was caused exclusively and solely by the defendants' negligence, in that:

- (a) Defendants caused or permitted dangerous conditions to exist;
- (b) Defendants failed to make a reasonable inspection of the premises, which would have revealed the dangerous condition created by the defendant;
- (c) Defendants failed to give warning of the dangerous condition and failed to erect barricades or to take any other precautions to prevent injury to the plaintiff;
- (d) Defendants failed to remove the defective condition;
- (e) Defendants failed to exercise reasonable prudence and due care to keep the premises in a safe condition for the plaintiff;
- (f) Defendants failed to properly maintain the signage on their premises;
- (g) Defendants placed dangerous and/or inappropriate handicap sign on the premises; and
- (h) Defendants was otherwise negligent under the circumstances.

10. Defendants through their employees, servants and agents, either had actual notice of the unsafe and dangerous condition of the premises and sufficient time to correct the dangerous situation, or the condition existed for so long a period of time prior to the occurrence that defendants, in the exercise of due care, could and should have known of the unsafe and dangerous condition of the premises.

11. At all times relevant hereto, defendants acted through their employees, servants, and agents.



12. Solely as a result of the negligence of defendants, decedent was caused to suffer various physical injuries, including, but not limited to, injuries to his ears, head back and neck including fractures, lacerations and other injuries to his spine.

13. As a direct result of the aforesaid injury, decedent suffered severe shock to his nervous system, great physical pain, and mental anguish.

14. Decedent has been compelled to expend various sums of money for medication and medical attention in attempting to remedy the aforementioned injuries.

15. As a result of his injuries, decedent has incurred unreimbursed wage loss and medical expenses.

16. As a result of his injuries, decedent suffered a permanent disability and a permanent impairment of his earning power and capacity.

17. As a direct result of the injury, decedent was prevented from attending to his usual duties and obligations and his injuries were permanent..

18. As a result of his injuries, decedent suffered permanent diminution in his ability to enjoy life and life's pleasures.

WHEREFORE, plaintiff demands judgment against defendants, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars and in excess of the arbitration limit of this court.

## **COUNT II - LOSS OF CONSORTIUM**

### **Plaintiff, Eileen R. Kleinert v. All Defendants**

19. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as though fully set forth at length.

20. As a result of the aforementioned injuries sustained by her husband, William Kleinert, plaintiff, Eileen R. Kleinert, has been deprived of the care, companionship, consortium, and society of her husband, all of which were to her great detriment, and a claim is made thereof.

WHEREFORE, plaintiff demands judgment against defendants, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars and in excess of the arbitration limit of this court.

SACCHETTA & BALDINO

By: /s/ Thomas F. Sacchetta  
THOMAS F. SACCHETTA, ESQUIRE  
Attorney for plaintiff

**VERIFICATION**

The undersigned verifies that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

/s/Thomas F. Sacchetta  
\_\_\_\_\_  
THOMAS F. SACCHETTA

# Exhibit

## “B”

Court of Common Pleas of Philadelphia County  
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**MARCH 2022****003125**

E-Filing Number: 2203066647

PLAINTIFF'S NAME EILEEN R. KLEINERT		DEFENDANT'S NAME WELLS FARGO	
PLAINTIFF'S ADDRESS 3531 DOGWOOD DRIVE GARNET VALLEY PA 19060		DEFENDANT'S ADDRESS 6918 RIDGE AVENUE PHILADELPHIA PA 19128	
PLAINTIFF'S NAME EILEEN R. KLEINERT		DEFENDANT'S NAME WELLS FARGO BANK, NATIONAL ASSOCIATION	
PLAINTIFF'S ADDRESS 3531 DOGWOOD DRIVE GARNET VALLEY PA 19060		DEFENDANT'S ADDRESS 6918 RIDGE AVENUE PHILADELPHIA PA 19128	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
		<b>FILED PRO PROTHY</b>  <b>MAR 30 2022</b>  <b>S. RICE</b>	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>EILEEN R KLEINERT , EILEEN R KLEINERT</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY THOMAS F. SACCHETTA		ADDRESS 308 EAST SECOND STREET MEDIA PA 19063	
PHONE NUMBER (610) 891-9212	FAX NUMBER (610) 891-7190		
SUPREME COURT IDENTIFICATION NO. 46834		E-MAIL ADDRESS tom@sbattorney.com	
SIGNATURE OF FILING ATTORNEY OR PARTY THOMAS SACCHETTA		DATE SUBMITTED Wednesday, March 30, 2022, 02:56 pm	

THOMAS F. SACCHETTA, ESQUIRE  
 Attorney I.D. No. 46834  
 SACCHETTA & BALDINO  
 308 East Second Street  
 Media, PA 19063  
 (610) 891-9212

*This is not an arbitration matter. Any trial  
 is demanded. An assessment of judicial records  
 hearing is not required.*



Attorney for plaintiff

EILEEN R. KLEINERT, Individually and :  
 as Executrix of the ESTATE OF WILLIAM :  
 KLEINERT, deceased :  
 3531 Dogwood Drive, :  
 Garnet Valley, PA 19060 :  
 Plaintiff :

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY, PA  
 CIVIL ACTION - LAW

v. :

NO.

WELLS FARGO :  
 6918 Ridge Avenue, :  
 Philadelphia, PA 19128 :  
 and :  
 WELLS FARGO BANK, NATIONAL :  
 ASSOCIATION :  
 6918 Ridge Avenue, :  
 Philadelphia, PA 19128 :  
 Defendants :

### **NOTICE TO DEFEND**

#### **NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, OR CANNOT**

**AFFORD ONE, GO TO OR TELEPHONE  
 THE OFFICE SET FORTH BELOW TO  
 FIND OUT WHERE YOU CAN GET LEGAL  
 HELP.**

Philadelphia County Bar Association  
 Lawyers Referral and Information Service  
 1 Reading Center  
 Philadelphia, PA 19107  
 215-238-6333

### **AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas on las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

Asociacion De Licenciados De Filadelfia  
Servicio De Referencia E Informacion Lega  
One Reading Center  
Filadelfia, Pennsylvania 19107  
Telef.: 215-238-6333

THOMAS F. SACCHETTA, ESQUIRE  
 Attorney I.D. No. 46834  
 SACCHETTA & BALDINO  
 308 East Second Street  
 Media, PA 19063  
 (610) 891-9212

*This is not an arbitration matter. Jury trial is demanded. An assessment of damages hearing is not required.*

Attorney for plaintiff

EILEEN R. KLEINERT, Individually and	:	COURT OF COMMON PLEAS
as Executrix of the ESTATE OF WILLIAM	:	PHILADELPHIA COUNTY, PA
KLEINERT, deceased	:	CIVIL ACTION - LAW
3531 Dogwood Drive,	:	
Garnet Valley, PA 19060	:	
Plaintiff	:	
	:	
v.	:	
	:	NO.
WELLS FARGO	:	
6918 Ridge Avenue,	:	
Philadelphia, PA 19128	:	
and	:	
WELLS FARGO BANK, NATIONAL	:	
ASSOCIATION	:	
6918 Ridge Avenue,	:	
Philadelphia, PA 19128	:	
Defendants	:	

### **PLAINTIFF'S COMPLAINT**

AND NOW, comes the plaintiff, Eileen R. Kleinert, Individually and as Executrix of the Estate of William Kleinert, by and through her attorney, Thomas F. Sacchetta, Esquire, and avers as follows:

1. Plaintiff, Eileen R. Kleinert, is an adult individual and wife and executrix of/for deceased, William Kleinert (hereinafter decedent), residing at 3531 Dogwood Drive, Garnet Valley, PA 19060.

2. Defendant, Wells Fargo, is, upon information and belief, a corporation, partnership, sole proprietorship, unincorporated association or other legal entity existing under the laws of the State of Delaware, registered to do business in Pennsylvania, with an address



located at 6918 Ridge Avenue, Philadelphia, PA 19128. Defendant, Wells Fargo, regularly conducts business in Philadelphia County.

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4. At all times relevant hereto, defendants were in the exclusive possession, management and control of the premises located at or about 2024 Naamans Road, Wilmington, DE 19810.

5. At all times relevant hereto, defendants were responsible for maintenance of the premises located at 2024 Naamans Road, Wilmington, DE 19810

6. At all times relevant hereto, defendants were acting through their agents, servants, workmen, and employees.

7. On or about April 23, 2021, decedent was lawfully on the aforesaid premises when he was caused to fall as a result of a defective condition, i.e., improperly maintained parking lot and handicap parking sign which was defective, improperly maintained and/or inappropriate for its location, causing an unreasonably dangerous condition to exist.

#### **COUNT I - NEGLIGENCE**

**Plaintiff, Eileen R. Kleinert as executrix of the Estate of William Kleinert v. All Defendants**

8. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as though fully set forth at length.

9. The accident was caused exclusively and solely by the defendants' negligence, in that:

- (a) Defendants caused or permitted dangerous conditions to exist;
- (b) Defendants failed to make a reasonable inspection of the premises, which would have revealed the dangerous condition created by the defendant;
- (c) Defendants failed to give warning of the dangerous condition and failed to erect barricades or to take any other precautions to prevent injury to the plaintiff;
- (d) Defendants failed to remove the defective condition;
- (e) Defendants failed to exercise reasonable prudence and due care to keep the premises in a safe condition for the plaintiff;
- (f) Defendants failed to properly maintain the signage on their premises;
- (g) Defendants placed dangerous and/or inappropriate handicap sign on the premises; and
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10. Defendants through their employees, servants and agents, either had actual notice of the unsafe and dangerous condition of the premises and sufficient time to correct the dangerous situation, or the condition existed for so long a period of time prior to the occurrence that defendants, in the exercise of due care, could and should have known of the unsafe and dangerous condition of the premises.

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12. Solely as a result of the negligence of defendants, decedent was caused to suffer various physical injuries, including, but not limited to, injuries to his ears, head back and neck including fractures, lacerations and other injuries to his spine.

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WHEREFORE, plaintiff demands judgment against defendants, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars and in excess of the arbitration limit of this court.

## **COUNT II - LOSS OF CONSORTIUM**

### **Plaintiff, Eileen R. Kleinert v. All Defendants**

19. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as though fully set forth at length.

20. As a result of the aforementioned injuries sustained by her husband, William Kleinert, plaintiff, Eileen R. Kleinert, has been deprived of the care, companionship, consortium, and society of her husband, all of which were to her great detriment, and a claim is made thereof.

WHEREFORE, plaintiff demands judgment against defendants, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars and in excess of the arbitration limit of this court.

SACCHETTA & BALDINO

By: /s/ Thomas F. Sacchetta  
THOMAS F. SACCHETTA, ESQUIRE  
Attorney for plaintiff

**VERIFICATION**

The undersigned verifies that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

/s/Thomas F. Sacchetta  
\_\_\_\_\_  
THOMAS F. SACCHETTA

**Affidavit / Return of Service**

<b>Plaintiff:</b>	EILEEN R KLEINERT EILEEN R KLEINERT			<b>Court Term &amp; No.:</b> 220303125  E-File# 2204001759	
<b>Defendant:</b>	WELLS FARGO WELLS FARGO BANK NA			<b>Document Served:</b> Plaintiff's Complaint	
<b>Serve at:</b>	6918 RIDGE AVENUE			<b>Company Reference/Control No.:</b> 1258,1259 Thomas Sacchetta#603	
<p>Served and Made Known to WELLS FARGO AND WELLS FARGO BANK NA on 04/01/2022 at 01:56 PM, in the manner described below:</p> <p>Agent or person in charge of Party's office or usual place of business. NAME: CHANGA</p>					
<b>Description</b>	<b>Age:</b>	<b>Height:</b>	<b>Weight:</b>	<b>Race:</b>	<b>Sex:</b>
	<b>Other:</b>				
<b>Company Profile:</b> METRO FILING SERVICES INC 317 SOUTH 13TH STREET PHILADELPHIA PA 19107 PHONE: (215) 981-3453			<b>Name of Server:</b> DAVID ZIMMERMAN Being duly sworn according to law, deposes and says that he/she is process server herein names; and that the facts herein set forth above are true and correct to the best of their knowledge, information and belief.		
			<b>Deputy Sheriff:</b>		

**FILED AND ATTESTED PRO-PROTHY 01 APR 2022 02:31 PM**

THOMAS F. SACCHETTA, ESQUIRE  
 Attorney I.D. No. 46834  
 SACCHETTA & BALDINO  
 308 East Second Street  
 Media, PA 19063  
 (610) 891-9212

*This is not an arbitration matter. A trial  
 is demanded. An assessment of judicial  
 hearing is not required.*



Attorney for plaintiff

EILEEN R. KLEINERT, Individually and	:	COURT OF COMMON PLEAS
as Executrix of the ESTATE OF WILLIAM	:	PHILADELPHIA COUNTY, PA
KLEINERT, deceased	:	CIVIL ACTION - LAW
Plaintiff	:	
	:	
v.	:	
	:	NO. 220303125
WELLS FARGO and WELLS FARGO	:	
BANK, NATIONAL ASSOCIATION	:	
Defendants	:	

**PRAECIPE TO SUBSTITUTE VERIFICATION**

TO THE PROTHONOTARY'S OFFICE:

Kindly substitute the attached Verification with the attorney Verification filed with the Complaint.

SACCHETTA & BALDINO

BY: /S/THOMAS F. SACCHETTA, ESQUIRE  
 THOMAS F. SACCHETTA, ESQUIRE

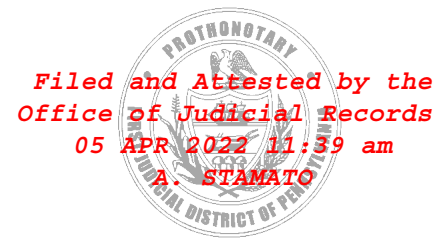
**VERIFICATION**

The undersigned verifies that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

  
Eileen Kleinert



David R. Bronstein, Esquire  
 dbronstein@perez-morris.com  
 Identification No. 74908  
**PEREZ & MORRIS LLC**  
 1601 Market Street, Suite 2420  
 Philadelphia, PA 19103  
 215-692-1240



EILEEN R. KLEINERT, INDIVIDUALLY AND	:	
AS EXECUTRIX OF THE ESTATE OF	:	COURT OF COMMON PLEAS
WILLIAM KLEINERT, DECEASED	:	PHILADELPHIA COUNTY
	:	
V.	:	
	:	MARCH TERM, 2022
WELLS FARGO AND	:	No.: 3125
WELLS FARGO BANK, NATIONAL ASSOCIATION	:	

### **ENTRY OF APPEARANCE**

#### **TO THE PROTHONOTARY:**

Kindly enter my appearance as counsel for defendant, Wells Fargo Bank, N.A.,  
 (incorrectly identified in the Complaint as “Wells Fargo” and “Wells Fargo Bank, National  
 Association”), only, in the above-captioned matter.

**PEREZ & MORRIS LLC**

By: \_\_\_\_\_  
 David R. Bronstein, Esquire

Dated: April 5, 2022

# Exhibit

## “C”

David R. Bronstein, Esquire  
 dbronstein@perez-morris.com  
 Identification No. 74908  
**PEREZ & MORRIS LLC**  
 1601 Market Street, Suite 2420  
 Philadelphia, PA 19103  
 215-692-1240

---

EILEEN R. KLEINERT, INDIVIDUALLY AND	:	COURT OF COMMON PLEAS
AS EXECUTRIX OF THE ESTATE OF WILLIAM	:	PHILADELPHIA COUNTY
KLEINERT, DECEASED	:	
	:	MARCH TERM, 2022
V.	:	No.: 003125
	:	
WELLS FARGO, WELLS FARGO BANK,	:	
NATIONAL ASSOCIATION	:	
	:	

---

**PRAECIPE TO ENTER NOTICE OF REMOVAL**

Pursuant to [28 U.S.C. §1446\(d\)](#), notice is hereby given that on the 27<sup>th</sup> day of April, 2022, Defendant, Wells Fargo Bank, N.A. filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania to remove the above-captioned action from this Court to the United States District Court for the Eastern District of Pennsylvania.

Attached hereto is a copy of the Notice of Removal.

Respectfully submitted,  
**PEREZ & MORRIS LLC**



By: \_\_\_\_\_

David R. Bronstein, Esquire  
dbronstein@perez-morris.com  
Identification No. 74908  
**PEREZ MORRIS LLC**  
1601 Market Street, Suite 2420  
Philadelphia, PA 19103  
215-692-1240

---

---

EILEEN R. KLEINERT

V.

WELLS FARGO, WELLS FARGO BANK,  
NATIONAL ASSOCIATION

:  
:  
: COURT OF COMMON PLEAS  
: PHILADELPHIA COUNTY  
:  
:  
: MARCH TERM, 2022  
: No.: 003125  
:

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---

**CERTIFICATE OF SERVICE**

I, David R. Bronstein, hereby certify that I caused the foregoing to be filed electronically with the Court, where it is available for viewing and downloading from the Court's ECF system, and that such electronic filing automatically generates a Notice of Electronic Filing constituting service of the filed document upon counsel of record:

Thomas Sacchetta, Esquire  
Sacchetta & Baldino  
308 East Second Street  
Media, PA 19063  
*Counsel for Plaintiff*

**PEREZ & MORRIS LLC**



By: \_\_\_\_\_

Dated: April 27, 2022